

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 372

HOUSE BILL 2540

AN ACT

AMENDING SECTIONS 15-1042, 15-1425 AND 15-1466.01, ARIZONA REVISED STATUTES;
AMENDING TITLE 42, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 42-5029.01; RELATING TO EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1042, Arizona Revised Statutes, is amended to
3 read:

4 15-1042. Time line; student level data; definition

5 A. By November 15, 2000, the department of education shall notify
6 school districts and charter schools of electronic data submission procedures
7 and shall distribute a list of the specific student level data elements that
8 school districts and charter schools are required to submit.

9 B. By July 1, 2001, each school district and charter school shall
10 submit electronic data on a school by school basis, including student level
11 data, to the department of education in order for the school district or
12 charter school to receive monies for the cost of educating students pursuant
13 to this title.

14 C. The department of education shall grant a school district or
15 charter school an extension to the deadline for the submission of student
16 level data or may provide for an alternative method for the submission of
17 student level data if the school district or charter school proves that good
18 cause exists for the extension, and the school district or charter school
19 shall continue to receive monies for the cost of educating students pursuant
20 to this title. A school district or charter school requesting an extension
21 shall notify the department of education no later than June 1, 2001. The
22 request by a school district or charter school for an extension of the
23 deadline for the submission of student level data shall include a
24 justification for the extension and the status of current efforts towards
25 complying with the submission of student level data.

26 D. A pupil or the parent or guardian of a pupil shall not be required
27 to submit data that does not relate to the provision of educational services
28 or assistance to the pupil.

29 E. Each student level data element shall include a statutory reference
30 to the law that necessitates its collection.

31 F. Student level data items submitted to the department of education
32 by school districts pursuant to this section shall not be used to adjust
33 funding levels or calculate the average daily membership for the purpose of
34 funding school districts at any time other than the fortieth, one hundredth
35 and two hundredth day of the school year.

36 G. SCHOOL DISTRICTS OR CHARTER SCHOOLS SHALL INCLUDE A STUDENT LEVEL
37 DATA ELEMENT THAT INDICATES IF THE STUDENT IS ENROLLED IN A JOINT
38 TECHNOLOGICAL EDUCATION DISTRICT OR A COMMUNITY COLLEGE, OTHER THAN A COLLEGE
39 OWNED, OPERATED OR CHARTERED BY AN INDIAN TRIBE, FOR CLASSES THAT COUNT
40 TOWARDS THE STUDENT'S GRADUATION REQUIREMENTS AS PROVIDED FOR IN SECTION
41 15-701.01.

42 ~~G.~~ H. For purposes of this section, "student level data" means all
43 data elements that are compiled and submitted for each student in this state
44 and that are necessary for the completion of the statutory requirements of

1 the department of education and the state board of education relating to the
2 calculation of funding for public education, the determination of student
3 academic progress as measured by student testing programs in this state,
4 state and federal reporting requirements and other duties prescribed to the
5 department of education or the state board of education by law. "Student
6 level data" does not include data elements related to student behavior,
7 discipline, criminal history, medical history, religious affiliation,
8 personal physical descriptors or family information not authorized by the
9 parent or guardian of the pupil.

10 Sec. 2. Section 15-1425, Arizona Revised Statutes, is amended to read:

11 15-1425. General administrative powers of the state board

12 The state board shall:

13 1. Enact ordinances for the government of the institutions under its
14 jurisdiction.

15 2. Set standards for the establishment, development, administration,
16 operation and accreditation of community colleges.

17 3. Permit and arrange for certification of experienced and qualified
18 community leaders in business, the professions and the arts for the purpose
19 of teaching classes at a community college in fields of their specific
20 competence.

21 4. Establish qualifications of the instructional staff and establish
22 standards of vocational and technological competence required to instruct in
23 occupational as well as academic subjects.

24 5. Fix tuitions and fees which the community college districts shall
25 charge and graduate the tuitions and fees between institutions and between
26 residents, nonresidents and students from foreign countries.

27 6. Establish curriculums and designate courses at the several
28 institutions which in its judgment will best serve the interests of this
29 state.

30 7. Fix and collect fees for issuance and renewal of certificates as
31 provided in paragraph 3 of this section. The state board shall deposit,
32 pursuant to sections 35-146 and 35-147, all fees in a special fund known as
33 the certification fund, which the state board shall use for the purpose of
34 defraying the costs of certification.

35 8. Prescribe qualifications for admission to community colleges for
36 veterans, honorably discharged, who served on active duty in the armed forces
37 for a minimum of one year and who were previously enrolled at a community
38 college or university in this state. For the purpose of determining the
39 qualifications the state board may not consider prior failing grades received
40 by the veteran at a community college or university in this state.

41 9. In conjunction with the state board for vocational and
42 technological education review and adopt, within the scope of the statutory
43 definitions of vocational and technological education, program and staff
44 standards with modifications as necessary for courses taught in community

1 colleges. The state board shall base the standards on vocational and
2 technological competence.

3 10. In conjunction with the state board for vocational and
4 technological education, prepare, publish and distribute an annual state plan
5 and a comprehensive five year state plan.

6 11. Prescribe the manner in which the self-evaluation of vocational and
7 technological education programs as provided in section 15-1447 is conducted.

8 12. Prescribe guidelines providing for the transferability between
9 community college district vocational and technological education programs
10 and in conjunction with the state board for vocational and technological
11 education prescribe guidelines for the interrelationship of secondary
12 programs and postsecondary programs.

13 13. In conjunction with the state board for vocational and
14 technological education, develop a process to determine program funding
15 priorities for state aid purposes. The state board shall submit state aid
16 recommendations to the legislature. The recommendations shall be based on
17 the process and on existing cost studies of vocational and technological
18 education in this state.

19 14. Submit to the economic estimates commission prior to January 10 of
20 each year the estimated number of full-time equivalent students for each
21 community college district as prescribed in section 15-1466.01.

22 15. Determine academic classes which qualify as open entry, open exit
23 classes as defined in section 15-1401 and prescribe rules for the operation
24 of open entry, open exit classes.

25 16. Require the publisher of each literary and nonliterary textbook
26 used in the community colleges of this state to furnish computer software in
27 a standardized format when software becomes available for nonliterary
28 textbooks, to the state board of directors for community colleges from which
29 braille versions of the textbook may be produced.

30 17. IDENTIFY STUDENTS SIMULTANEOUSLY ENROLLED IN A COURSE FOR BOTH
31 HIGH SCHOOL AND COLLEGE CREDIT BY USING THE SAME STUDENT LEVEL DATA ELEMENT
32 REQUIRED BY SECTION 15-1042, SUBSECTION G. THE AUDITOR GENERAL SHALL HAVE
33 ACCESS TO THIS INFORMATION WHEN CERTIFYING THE FULL-TIME EQUIVALENT STUDENT
34 ENROLLMENT PURSUANT TO SECTION 15-1466.01, PARAGRAPH 4.

35 Sec. 3. Section 15-1466.01, Arizona Revised Statutes, is amended to
36 read:

37 15-1466.01. Calculation of full-time equivalent student
38 enrollment

39 In determining state aid under sections 15-1464 and 15-1466 the number
40 of full-time equivalent students shall be calculated in the following manner:

41 1. For the basic actual full-time equivalent student enrollment, add
42 the number of full-time equivalent students enrolled as of forty-five days
43 after classes begin in the fall semester to the number of full-time
44 equivalent students enrolled as of forty-five days after classes begin in the

1 spring semester, not including additional short-term classes, and divide the
2 sum by two.

3 2. For the additional short-term and open entry, open exit full-time
4 equivalent student enrollments:

5 (a) Determine the total number of credit units for students enrolled
6 in additional short-term and open entry, open exit classes for the fiscal
7 year.

8 (b) Determine the total number of credit units for students who have
9 completed the additional short-term and open entry, open exit classes for the
10 fiscal year. Any student who has not completed the class by June 30 of each
11 fiscal year shall not be eligible to be counted for state aid purposes until
12 the following year.

13 (c) Add the amounts in subdivisions (a) and (b).

14 (d) Divide the amount determined in subdivision (c) by two.

15 (e) Divide the quotient obtained in subdivision (d) by thirty.

16 (f) The result in subdivision (e) is the additional short-term and
17 open entry, open exit full-time equivalent student enrollments for the fiscal
18 year.

19 3. For the skill center and adult basic education courses full-time
20 equivalent student enrollment, divide by six hundred forty the total class
21 attended clock hours of persons who complete vocational training. Any
22 student who does not complete vocational training programs by June 30 of each
23 fiscal year shall not be eligible to be counted for state aid purposes until
24 the following year.

25 4. The total of basic actual, additional short-term and open entry,
26 open exit and skill center full-time equivalent student enrollment shall be
27 the basis of providing state aid. The basic actual full-time equivalent
28 student enrollment claim of each district shall be certified by the auditor
29 general immediately following the completion of the forty-fifth day of the
30 second semester. BEGINNING WITH THE AUDIT FOR THE YEAR ENDING JUNE 30, 2003,
31 THE AUDITOR GENERAL SHALL CERTIFY SEPARATELY ANY FULL-TIME EQUIVALENT STUDENT
32 ENROLLMENT WHERE A STUDENT IS ENROLLED IN A COURSE FOR BOTH HIGH SCHOOL AND
33 COLLEGE CREDIT SIMULTANEOUSLY, EXCEPT FOR CREDIT RECEIVED AT A PRIVATE
34 COLLEGE OR A COLLEGE OWNED, OPERATED OR CHARTERED BY AN INDIAN TRIBE, TAKING
35 INTO CONSIDERATION ANY RELEVANT LAW, REGULATION OR RULE. The full-time
36 equivalent student enrollment claim of each district for all additional
37 short-term classes, open entry, open exit classes and skill center vocational
38 training programs shall be certified annually by the auditor general.

39 Sec. 4. Title 42, chapter 5, article 1, Arizona Revised Statutes, is
40 amended by adding section 42-5029.01, to read:

41 42-5029.01. Qualifying Indian tribe; report; accounting
42 procedures; definitions

43 A. TO QUALIFY FOR FUNDING PURSUANT TO SECTION 42-5029, SUBSECTION E,
44 PARAGRAPH 4, A QUALIFYING INDIAN TRIBE SHALL REPORT ITS FULL-TIME EQUIVALENT

1 STUDENT ENROLLMENT, AS CALCULATED UNDER SECTION 15-1466.01, IN THE PRECEDING
2 FISCAL YEAR TO THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES BY JUNE
3 30 EACH YEAR AND SHALL COMPLY WITH THE SAME ACCOUNTING PROCEDURES AND
4 PRACTICES PRESCRIBED BY THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES
5 FOR CALCULATING FULL-TIME EQUIVALENT STUDENT ENROLLMENT FOR COMMUNITY
6 COLLEGES UNDER ITS JURISDICTION. A QUALIFYING INDIAN TRIBE MAY REPORT TO THE
7 STATE BOARD OF EDUCATION THE NUMBER OF STUDENTS SIMULTANEOUSLY ENROLLED IN
8 A COURSE FOR BOTH HIGH SCHOOL AND COMMUNITY COLLEGE CREDIT.

9 B. FOR PURPOSES OF THIS SECTION:

10 1. "COMMUNITY COLLEGE" INCLUDES ANY COLLEGE OWNED, OPERATED OR
11 CHARTERED BY A QUALIFYING INDIAN TRIBE.

12 2. "QUALIFYING INDIAN TRIBE" HAS THE SAME MEANING PRESCRIBED IN
13 SECTION 42-5031.01, SUBSECTION D.

14 Sec. 5. Effective date

15 This act is effective from and after July 1, 2002.

APPROVED BY THE GOVERNOR MAY 7, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2001.

Passed the House March 07, 20 01,

by the following vote: 57 Ayes,

2 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 27, 20 01,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Norma Lowe
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2540

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this day of , 20 ,

at o'clock M.

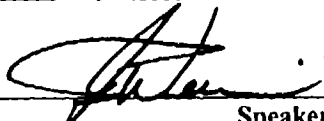
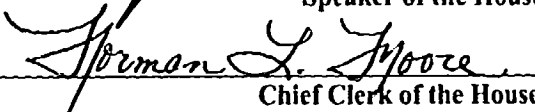
Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 02, 2001,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting


Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2 day of May, 2001,


at 2:18 o'clock P M.


Secretary to the Governor

Approved this 9 day of

May, 2001,

at 3:20 o'clock P M.


Governor of Arizona

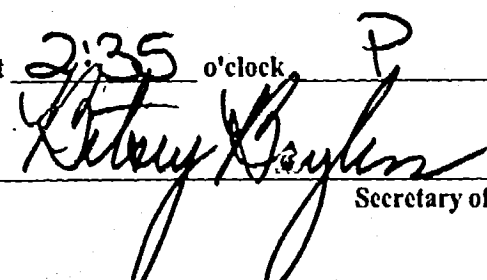
H.B. 2540

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 8 day of May, 2001,

at 2:35 o'clock P M.


Secretary of State